

## REMARKS/ARGUMENTS

The Examiner is thanked for the clarity and conciseness of the previous Final Office Action, and for the citation of references, which have been studied with interest and care.

The Request for Continued Examination (RCE) and this accompanying preliminary amendment is in response to the Final Office Action mailed August 8<sup>th</sup>, 2003. In the Office Action, the Examiner rejected claims 3-6, 9-13, and 17-57. Applicant has canceled claims 6, 9-13, 21, 26, 30, 31, 33-35, 37-39, 42-44, and 50-53. Further, Applicant has amended independent claims 3 and 17 to further clarify the claims. Applicant has also amended some of the dependent claims. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

## REJECTIONS UNDER 35 U.S.C. § 103

In the previous Final Office Action, claims 3-6, 9-13 and 17-57 were rejected under 35 U.S.C. §103 (a) as being allegedly obvious over U.S. Patent 6,279,112 B1 issued to O'Toole, Jr. et al. (hereinafter O'Toole) in view of U.S. Patent 5,796,952 issued to Davis, et al. (hereinafter Davis). Applicant respectfully submits that amended independent claims 3 and 17 are not rendered obvious by O'Toole alone and/or in combination with Davis.

Particularly, amended independent claims 3 and 17 now both basically recite: a target computer to receive a content *including an advertisement...*the content provider coupled to the target computer via a network...the content provider including a user rule page containing information automatically obtained from the target computer by a first agent, the first agent having a trigger program to filter information and to determine whether the information is relevant to the user page...a rulebook to provide a rule based on the user rule page, the rule controlling the content to be transmitted from a database to the target computer...*the user rule page including at least one of a hardware profile indicating the hardware capabilities of the target computer, a software profile indicating software used by the target computer, and a user profile including dynamic information related to a user using the target computer, the dynamic*

*information including information on web sites visited and time spent on the websites by the user...wherein a second agent updates information in the user rule page based upon information received from the target computer and based upon the updated user rule page finds new appropriate content including a second advertisement that is transmitted to the target computer.*

Applicant respectfully submits that O'Toole neither alone nor in combination with Davis teaches, suggests, or renders obvious these claims limitations now recited in Applicant's amended independent claims 3 and 17.

Accordingly, Applicant respectfully requests that independent claims 3 and 17 be allowed. Further, Applicant respectfully submits that the dependent claims are allowable because they are dependent upon allowable base claims, respectfully.

## CONCLUSION

In view of the remarks made above, it is respectfully submitted that pending claims 3-5, 17, 18, 22-25, 27-29, 32, 36, 40, 41, 45-49, and 54-57 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account

Respectfully submitted,

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Dated: 10/07/2003

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## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313 on: October 7, 2003

10/7/03

  
Nicole Erquiaga

Date